IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14070 of 2005

Between:

1 Muppavarapu Sivarama Krishnaiah, s/o Lingaiah,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
2 Muppavarapu Sivalingaiah, s/o Sivarama Krishnaiah,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
3 Budhota Hymavathi, w/o Somaiah,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
4 Kanneganti Bharathi Devi, w/o Sankara Rao,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
5 Chigurupati Seshaiah, s/o Sivaiah,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
6 Kothapalli Subba Rao, s/o Venkaiah,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
7 Chigurupati Nagaiah, s/o Sivaiah,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
8 Moparthi Koteswara Rao, s/o Krishnaiah,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.
9 Shaik Hasan Saheb, s/o Nabi Saheb,
r/o Takkellapadu (V), Pedakakani Mandal, Guntur District.

..... PETITIONERS

AND

1 The Assistant Commissioner,

Endowments Department Guntur.
2 The Regional Joint Commissioner,

Endowments Department, Guntur.
3 Sri Seetharama Swamy Devastanam

and Sri Chandrasekhara Swamy Vari Devastanam,
rep., by its Manager,

Takkellapadu (V), Pedakakani (M), Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the 3rd respondent herein, in conducting auction, which is scheduled to be held on 04-07-2005 in respect of petitioners' schedule lands i.e., Ac.2.38 cents (wet) land, in Survey No.609, Ac.2.00 cents (Wet) land in Sy.No.609, Ac.2.40 cents (wet) land in Sy.No.609, likewise, Ac.2.34 cents (wet) land in Sy.No.609, the 5th petitioner holds an extent of Ac.0.75 cents (wet) land vide Sy.No.609, further he holds an extent of Ac.1.00 (dry) land in Sy.No.27, Ac.3.00 cents (dry) land in Sy.No.74, the 7th petitioner is cultivating an extent of Ac.0.75 cents (wet) land in Sy.No.609, further he holds an extent of Ac.1.00 cents (Dry) land in Sy.No.27, Ac.1.00 cents (wet) land in Sy.No.603, and Ac.2.73 1/2 cents (dry) land in Sy.No.22, Ac.1.00 cents (dry) land only, respectively, belongs to Sri Seetharama Swamy Temple and Chandrasekhara Swamy Temple, at Takkellapadu (V), Pedakakani (M), Guntur District, without giving any notices to the petitioners, and without disposing the appealss which are pending before the concerned authorities, as illegal, arbitrary and violative of the orders passed by this Hon'ble Court, and consequently direct the 3rd respondent not to conduct auction, in respect of petitioners' schedule lands i.e., Ac.2.38 cents (wet) land in Survey No.609, Ac.2.00 cents (wet) land in Sy.No.609, Ac.2.40 cents (wet) land in Sy.No.609, likewise, Ac.2.34 cents (wet) land in Sy.No.609, the 5th petitioner holds an extent of Ac.0.75 cents (wet) land vide Sy.No.609 further he holds an extent of Ac.1.00 (dry) land in Sy.No.27, ac.3.00 cents (dry) land in Sy.No.74, the 7th petitioner is cultivating an extent of Ac.0.75 cents (wet) land in Sy.No.609, further he holds an extent of Ac.1.00 cents (dry) land in Sy.No.27, Ac.1.00 cents (wet) land in Sy.No.603, and Ac.2.73 1/2 cents (dry) land in Sy.No.22 ac.1.00 cents (dry) land only, respectively, belongs to Sri Seetharama Swamy Temple and Chandrasekhara Swamy Temple, at Takkellapadu (V), Pedakakani (M), Guntur District.

Counsel for the Petitioner: Mr. SITA RAM CHAPARLA

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court, at the stage of admission, made the following :

ORDER:

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The petitioners claim to be the tenants of Sri Seetharama Swamy Devasthanam and Sri Chandrasekhara Swamy Vari Devasthanam, Takkellapadu village, Pedakakani Mandal, Guntur District. Their lease stood determined by operation of the provisions under Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short, "the Act"). As they feared dispossession, consequently, they preferred an application to the competent authority for declaring them as landless poor persons for availing the benefits under Section 82(2) of the Act and the said application was dismissed by the Assistant Commissioner concerned. The petitioners preferred an appeal to the 2nd respondent, which is pending.

2. As earlier, even during the pendency of the appeals, the 4th respondent wanted to auction the lands of the subject temple, which were in possession of the petitioners for a fresh term of lease. The petitioners approached this Court by way of W.P.No.19433 of 2003 for an interlocutory order and the Writ Petition was disposed of on 16-09-2003, directing the 2nd respondent to consider and dispose of the petitioners' appeal expeditiously and in any event within a period of three weeks from the date of receipt of a copy of the order and that till disposal of the appeal, *status quo* obtaining as on 16-09-2003 as to the possession of the lands in question should be maintained. This Court also made it clear that the 4th respondent may proceed with the impugned auction but the lease consequent on the auction shall not be confirmed till the disposal of the appeal. The petitioners stated that the auction was not proceeded with earlier and that now a fresh auction notice has been issued on
17-06-2005 proposing the auction to be conducted on 04-07-2005.

3. In the aforesaid circumstances as the 2nd respondent has not disposed of the appeal despite the directions of this Court, the Writ Petition is disposed of directing the 2nd respondent to, positively and without fail, dispose of the petitioners' appeal within two weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, the petitioners shall not be dispossessed from the respective lands, they are in possession of, if they are in possession as on date. If in the appeal the petitioners are declared or confirmed not to be the landless poor persons, they shall

be liable for eviction. Insofar as the auction scheduled to be held on 04-07-2005 the same shall go on, but on account of the auction or its consequences the petitioners shall not be dispossessed as aforesaid.

4. Accordingly, the Writ Petition is disposed of.

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(GODA RAGHURAM,J)

1st July, 2005.

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To

1 The Assistant Commissioner,

Endowments Department Guntur.

2 The Regional Joint Commissioner,

Endowments Department, Guntur.

3 The Manager,

Sri Seetharama Swamy Devastanam

and Sri Chandrasekhara Swamy Vari Devastanam,
Takkellapadu (V), Pedakakani (M),

Guntur District.

4 Two CCs to the GP for Endowments,

High Court of A.P., Hyderabad (O.U.T.)

5 Two CD copies.